

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	Michael T. Mason
CASE NUMBER	04 C 6018	DATE	10/11/2006
CASE TITLE	George S. May Int'l et al. Vs. Xcentric Ventures et al.		

DOCKET ENTRY TEXT

As stated further below, defendants' motion to permit telephonic appearances by witnesses at the 10/19/06 hearing [163] is denied.

■ [For further details see text below.]

Notices mailed by Judicial staff.

STATEMENT

Before the Court is defendants' motion to permit telephonic appearances by witnesses at the 10/19/06 hearing [163]. Defendants claim that they intend to call several witnesses who have filed complaints against plaintiff with the Better Business Bureau ("BBB"). Defendants ask to present this testimony telephonically. Plaintiff argues that the motion must be denied because the proffered testimony of witnesses who complained to the BBB is not relevant to the question of the damages caused by defendants' contempt. This Court agrees. None of the witnesses that complained to the BBB also posted complaints on defendants' website. Moreover, consumers do not have access to the BBB complaints. The fact that other complaints exist has no bearing on what damages plaintiff may have suffered as a result of the postings that Judge Norgle found violated the TRO. Furthermore, defense counsel informed this Court at the September 20, 2006 status that they would be calling one witness. For these reasons, defendants' motion is denied.

Courtroom Deputy
Initials:

KF